

Filed for intro on 01/31/2002

HOUSE BILL 3136

By Whitson

AN ACT To amend Tennessee Code Annotated, Title 49,  
relative to the enactment of the "Education  
Reform Act of 2002."

WHEREAS, It is the intent of the General Assembly to ensure that all Tennessee  
children will be able to read proficiently by the end of the third grade; and

WHEREAS, It is the intent of the General Assembly to further the above goal by  
pursuing the following:

- (1) Establish statewide expertise in teaching reading and writing;
- (2) Support a balanced reading program that includes the teaching of phonemic awareness, systematic phonics, vocabulary and background knowledge, fluency,

reading comprehension, motivation, and reading to learn;

(3) Provide a high quality professional development system to support every teacher;

(4) Provide a system to support teachers in monitoring the progress of individual students, analyzing student needs, identifying students who are not making adequate progress, and using appropriate intervention strategies;

(5) Support improved teaching of reading and writing in grades kindergarten through three; and

(6) Encourage parents to play an integral role in supporting their children in learning to read and write; and

WHEREAS, It is the intent of the General Assembly to ensure all students are appropriately prepared to meet graduation requirements; and

WHEREAS, The General Assembly desires to improve upon the community based early childhood education pilot programs authorized by the General Assembly and administered and monitored by the Tennessee Department of Education in order to continue to provide children with the skills necessary for success in the regular public school curriculum; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the Education Reform Act of 2002.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following new section:

Section 49-6-1013. (a) The course of instruction in all public schools, kindergarten through grade three (3), shall include reading instruction sufficient to help each student read proficiently pursuant to the standards established by the state board of education. Such course of instruction shall include annual,

developmentally appropriate diagnostic methods for assessing the reading and writing skills of each student, including those eligible for English language learner programs or for special education.

(b) The State Board of Education shall establish by rule and policy a foundation for proficiency in reading for kindergarten through grade three (3) that includes at a minimum:

- (1) Clear content and performance standards for student reading proficiency;
- (2) Specific qualifications, requirements and standards for the teaching of reading;
- (3) Developmentally appropriate diagnostic methods for assessing and monitoring the individual reading development of all children and identifying students who are having reading difficulties;
- (4) Effective, developmentally appropriate instruction and intervention for all students based on their individual needs as identified by use of recommended diagnostic methods;
- (5) Training and support of all educators employed or supervising instruction in such grades in the use and application of developmentally appropriate reading diagnostic, instructional and intervention methods;
- (6) Notification to parents of their child's level of reading proficiency and any intervention that may be deemed necessary to ensure such child's ability to meet reading proficiency standards;
- (7) Encouragement of parents to play an integral role in supporting their children in learning to read and write; and
- (8) A system of annual reporting, pursuant to Section 49-1-211, of the results of reading proficiency in kindergarten through grade three

established by this section, including summary information from the reports by schools to local boards of education required by subdivision (d)(4) of this section.

(c) The Commissioner of Education shall have the following duties and responsibilities for enabling reading proficiency:

(1) Recommending reading diagnostic methods for use in grades kindergarten (K) through three (3) that provide for assessing the reading and writing development of all students, including those eligible for English language learner programs or special education;

(2) Developing guidelines for local education agencies to follow in supporting effective teaching in reading and writing pursuant to this section; such guidelines shall include:

(A) Administration of reading diagnostics to assess and monitor student reading and writing development;

(B) Application of developmentally appropriate reading diagnostic methods;

(C) Development of instructional programming for all students, including students who are eligible for English language learner programs or students eligible for special education;

(D) Design of intensive and targeted intervention programs for students who are identified as having reading difficulties; and

(E) Reporting of results of the reading instructional program.

(d) The director of each local education agency responsible for the administration of schools serving students in kindergarten (K) through grade three (3) shall, in conformance with the guidelines established by the Commissioner of Education pursuant to this section, direct such schools to:

- (1) Provide access to research and resources supporting balanced reading;
- (2) Assess and monitor the individual reading development of all children and identify individual students who are having difficulty reading;
- (3) Provide effective, developmentally appropriate instruction and intervention for all students based on their individual needs;
- (4) Notify parents and guardians in writing of their child's reading proficiency and, in the case of a student determined to have difficulty reading, provide such student's parent or guardian a brief written description of such difficulty and the intervention to be provided to ensure such student's ability to meet reading proficiency standards;
- (5) Report to the local board of education at the beginning of the school year the number of students of each school identified as less than proficient in reading and the progress of those students at the end of the school year; and
- (6) Include in their school improvement plans strategies to meet the needs identified in reports to the local board of education.

SECTION 3. (a) The Commissioner of Education is authorized to make grants to local education agencies for schools serving students identified as less than proficient in reading. Grants shall be made for two-year periods and may be renewed based on the needs of the individual schools, subject to appropriation.

(b) Programs shall be designed to ensure Tennessee children will be able to read proficiently by the end of the third grade.

(c) Programs shall include a full time teacher that shall have the responsibility as the literacy leader for the school.

(d) Each literacy leader and the school faculty served by these grants shall participate in training provided through Tennessee Reading Collaborative members.

(e) The state board is encouraged to allow teachers participating in the training

provided by the Tennessee Reading Collaborative credit toward licensure renewal for attendance.

(f) It is the intent of the general assembly that schools selected for participation in the reading grant program be balanced geographically across the state and include schools in at least three (3) local education agencies in each grand division.

(g) It is the intent of the general assembly that training developed for schools served by the grants shall also be made available to all teachers in an electronic format.

SECTION 4. (a) No later than May 1, 2003, the Commissioner of Education shall contract with at least one (1) institution of higher education belonging to the Tennessee Reading Collaborative in each of the three (3) grand divisions to provide ongoing professional development in reading.

(b) Each participating higher education institution shall:

- (1) Maintain and disseminate current research on reading;
- (2) Gather and disseminate best practices in reading instruction;
- (3) Prepare and conduct workshops to train teachers in reading;
- (4) Provide on-site targeted assistance to schools within the service area;
- (5) Provide assistance to all schools serving kindergarten through grade three in the use of training provided electronically.

SECTION 5. (a) To oversee and implement the reading proficiency programs of the Education Reform Act of 2002, there is created the office of reading and literacy in the Department of Education.

(b) The Office of Education Accountability in the Office of the Comptroller is also authorized to evaluate the effectiveness of the reading initiative programs of the Education Reform Act of 2002, and to perform such other studies or evaluations

regarding that and other programs authorized by the Education Reform Act of 2002 as it may be directed to by the Governor and the General Assembly.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following new section:

Section 49-6-1014. (a) The course of instruction in all public schools enrolling seventh (7th) and twelfth (12th) grade students shall include programs of intervention for each such student identified as being at risk of failing to meet the graduation requirements of Section 49-6-6001.

(b) Prior to the beginning of the 2002-2003 school year, the Commissioner of Education shall recommend to the State Board of Education a program of intervention in the seventh (7th) and twelfth (12th) grades designed to help each student at risk of failing to meet the graduation requirements of Section 49-6-6001. Such program shall include an evaluation of each student's risk of failure and notification to parents of the results of such evaluation with a clear statement of the likelihood of failure and brief description of individual plans of instruction to improve performance for each student identified as being at risk.

(c) An intervention program shall be developed by the local school in conjunction with the student and parent(s) or guardian(s) of that student and shall include the responsibilities of the student, the parent or guardian, and the school.

(d) The Commissioner of Education is authorized to make grants to local education agencies for programs of intervention established by this section, subject to appropriations.

SECTION 7. Tennessee Code Annotated, Section 49-1-601, is amended by adding the following new sentence at the end of subsection (e):

The Commissioner of Education may require schools and school systems to include in their improvement plans strategies to ensure progress toward the

goals and requirements established pursuant to this part and to Title 49, Chapter 6, Part 10.

SECTION 8. Tennessee Code Annotated, Section 49-1-602, is amended by deleting subsection (a) in its entirety and substituting the following:

(a) Before the start of school each year, the commissioner shall recommend for approval to the state board a listing of all schools or systems to be placed on notice or probation for failure to make adequate progress in meeting the rules and regulations of the state board or the performance standards authorized by Section 49-1-210 and this part.

SECTION 9. Tennessee Code Annotated, Section 49-1-602(c), is amended by adding the following between the fifth and sixth sentences:

If a school is on probation for academic reasons, the commissioner shall require the director of schools and local board of education to allow transfer of students from the school on probation to a school that is not on notice or probation as capacity permits. The local education agency shall take all necessary actions to inform parents of this enrollment option.

SECTION 10. Tennessee Code Annotated, Section 49-1-602(c), is amended by inserting the following three sentences between the present sixth and seventh sentences of the subsection:

If, after two (2) consecutive years, an individual school remains on probation, the Commissioner of Education shall recommend a plan to the state board to remedy the deficiency of such school. Upon approval of this plan by the state board, it shall be immediately implemented by the director or superintendent. The Commissioner shall forward copies of approved plans to the joint oversight committee on education and the Office of Education Accountability in the Office of the Comptroller.



SECTION 11. By the beginning of the 2006-07 school year, each local education agency (LEA) shall make available preschool classes if the LEA identifies fifteen (15) or more eligible children who are at least four (4) years of age on or before September 30 of the current preschool term. Each LEA shall develop a system to notify the parents of children who are eligible for enrollment in a preschool class within its jurisdiction of the availability of such class.

SECTION 12. Tennessee Code Annotated, Section 49-6-101(f), is amended by deleting the following:

, who live below the poverty line determined pursuant to 42 U.S.C. § 9847, and/or who are at risk of educational disadvantage and failure due to circumstances of abuse, neglect, disability, or who are at risk of state custody due to family dysfunction

SECTION 13. Tennessee Code Annotated, Section 49-6-101, is further amended in subsection (c) by deleting subdivisions (1) and (2) in their entirety and substituting the following new subdivisions:

(c)(1) Until such time as provision has been made as described in §49-3-351(b) through the education program formula for the funding of early childhood education, the Commissioner of Education is authorized to continue existing grants, or to make new two-year grants, to local education agencies, or to non-profit child serving agencies which can show a relationship with the local education agency, for pilot programs pursuant to subsection (f) of this section. Such grants shall give priority to children:

(A) living in the service area of the school in each LEA with the highest percentage of children who meet eligibility requirements for free and reduced lunch pursuant to 42 U. S. C. §1771, and

(B) determined to meet eligibility requirements identical to those requirements met by school-age children qualifying for free and reduced lunch pursuant to 42 U. S.C. §1771, or

(C) determined to be educationally at-risk based upon documentation provided by appropriate assessment.

(2) Local education agencies may act as fiscal agents for not-for-profit recipients of such grants.

SECTION 14. Tennessee Code Annotated, Section 49-6-101, is further amended in subsection (c)(3) by deleting the word “attendance” and inserting the word “membership” in its place.

SECTION 15. Tennessee Code Annotated, Section 49-3-351, is amended by adding the following new sentences at the end of subsection (b):

Beginning July 1, 2008, the basic education program shall include early childhood education programs based on guidelines adopted by the state board. Beginning July 1, 2004, the average daily membership (ADM) of early childhood programs covered by the last year of the state grant funded pursuant to Section 49-6-101(c)(1) shall be included in the basic education program as described in subsection (d) of this section.

SECTION 16. Tennessee Code Annotated, Section 49-2-115 is amended by deleting subsection (c) in its entirety and substituting the following new subsection:

(c) (1) By the beginning of the 2003-2004 school year, at least one (1) family resource center shall be established and available for families of school-aged children in each county. In providing family resource centers, any two (2) or more LEAs may join together and establish a center for families with children eligible to attend any of the LEAs partnering for the purpose of establishing that family resource center. In addition, any board may, by mutually acceptable

agreement with another board, provide services described in this section to families of children attending or eligible to attend the LEA governed by such other board.

(A) Funding shall be based on the state and local percentage as would be derived from BEP funding calculations.

(B) The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses.

(2) Distribution of additional family resource centers grant funds shall be made with priority to those communities served by schools with early childhood education classrooms, with greatest percentage of children not demonstrating proficiency in skills as determined by state testing process, and with highest percentages of children qualifying for free and reduced lunch pursuant to 42 U.S.C. § 1771.

SECTION 17. Tennessee Code Annotated, Section 49-2-115, is further amended in subsection (e) by adding the following new subdivisions:

(4) Family resource centers shall serve the function of informing parents about the need for appropriate educational activities and experiences to develop readiness skills in early childhood.

(5) Family resource centers shall assist in identifying “educationally at-risk” children for purposes of participation in early childhood education programs as defined in Section 49-6-101(f).

(6) Family resource centers shall assist families in fulfilling their responsibility to be an active partner in their child’s education, prekindergarten through grade twelve (12).

SECTION 18. Tennessee Code Annotated, Section 49-3-359(a), is amended in the first sentence by deleting the sentence and substituting the following new sentence:

There is included in the Tennessee basic education program an amount of money sufficient to pay a minimum of three hundred dollars (\$300) for every teacher in preschool (P) through grade twelve (12) or such larger amount as may be set by the Commissioners of Education and Finance and Administration from year to year based on appropriations.

SECTION 19. Tennessee Code Annotated, Section 49-3-359(a), is further amended in the fourth sentence by deleting the words and figures "The second one hundred dollars (\$100)" and substituting the words and figures "One hundred dollars (\$100)".

SECTION 20. Tennessee Code Annotated, Section 49-3-359(a), is further amended by deleting the present third sentence and inserting the following new sentences between the present fourth and fifth sentences:

The remainder of the amount designated by the commissioners shall be spent for instructional supplies by each such teacher. Teachers shall be reimbursed for expenditures under this provision upon submission of adequate documentation.

SECTION 21. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following new section:

Section 49-3-367. Beginning July 1, 2004, the grants provided to local education agencies statewide under the Education Reform Act of 2002 and not otherwise designated for inclusion in the basic education program, shall be subject to a twenty-five percent (25%) match by the local education agencies, adjusted for the local education agencies' fiscal capacity according to the BEP formula. The match requirement may be satisfied by local or contributed funds or by personnel or volunteers or by other in-kind expenses assumed by or on behalf of the local education agency. The commissioner shall not unreasonably withhold funding, but shall allow local education agencies adequate flexibility to experiment so long as the basic requirements of the grant programs are satisfied.

SECTION 22. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following as a new section:

Section 49-5-5610. Mentoring.

(a) To improve new teacher performance, reduce new teacher attrition, and improve student learning, a beginning teacher mentoring program is hereby established. Trained mentors will provide support during the first year of teaching to teachers with no prior teaching experience.

(b) Mentors shall receive training and shall have a defined set of job responsibilities beyond their regular teaching duties for which they shall be paid a salary supplement established by the Commissioner of Education and included in the General Appropriations Act.

(c) The Commissioner of Education is authorized to make grants to local education agencies for mentoring subject to guidelines established by the state board and subject to appropriation.

(d) The Commissioner of Education shall evaluate the effectiveness of the program in reducing the turnover rate of beginning teachers as compared to previous years and report the results of the evaluation to the state board of education.

(e)(1) The Commissioner of Education shall develop criteria for the selection of teachers applying to be mentors.

(2) The Commissioner shall develop and recommend to the state board, for its approval, policies regarding the duties and responsibilities of mentors.

SECTION 23. Tennessee Code Annotated, Title 49, Chapter 4, is amended by adding the following sections as a new part 9:

Section 49-4-901. This part shall be known and may be cited as the "Teaching

Scholars Award of Excellence Program.”

Section 49-4-902. The Tennessee student assistance corporation shall administer a teaching scholars award of excellence program for exemplary students who desire to enter the teaching force in Tennessee. Participation in this program is limited to college juniors, seniors, post baccalaureate candidates admitted to teacher education programs in Tennessee, and currently licensed teachers seeking an advanced reading specialist degree and who pledge to teach in Tennessee public schools for up to six (6) years.

Section 49-4-903. The Tennessee student assistance corporation, in conjunction with the state board of education and the Tennessee Higher Education Commission, is authorized to promulgate rules and regulations for the management of the program and the selection of recipients, taking into consideration such factors as academic record of the applicant, teacher shortage in subject areas and the balance of majority/minority representation in the teaching force. The Tennessee student assistance corporation shall provide the Department of Education with rosters of program participants completing teacher education programs and their areas of teaching endorsements. The Department shall use these rosters for assisting in job placement and in considering waiver requests from local education agencies.

Section 49-4-904. Each program award may be up to the amount of tuition, fees, books, room and board charged at a public institution of higher education in Tennessee. Each program award shall be renewable up to two (2) times, contingent upon satisfactory academic performance. Persons receiving program awards who become public school teachers in Tennessee shall receive forgiveness of the program award balance based on two (2) years' teaching service for each year an award was made, except that if a recipient accepts

employment in a geographical shortage area or in a low-performing school system or a system on notice or probation as defined by the commissioner or board of education, forgiveness shall be based on one and one-half (1 ½) years' teaching service for each year an award was made.

Section 49-4-905. All scholarship loans shall be evidenced by notes made payable to the corporation that shall bear an interest rate of nine percent (9%) per year beginning September 1 after completion of the program, or immediately after termination of the scholarship loan, whichever is earlier. This scholarship loan may be terminated by the recipient withdrawing from school or by the recipient not meeting the standards set by the corporation.

Section 49-4-906. All funds appropriated to or otherwise received by the teaching scholars award of excellence for scholarships, all funds received as repayment of scholarship loans, and all interest earned on these funds shall be placed in a revolving fund. This revolving fund shall be used for scholarship loans granted under this program.

SECTION 24. Tennessee Code Annotated, Title 49, Chapter 5, Part 52, is amended by adding the following as a new section:

Section 49-5-5251. Second Career.

(a) To prepare professional individuals with expertise in teaching areas of critical shortage to teach in Tennessee schools, a program for teaching as a second career is hereby established.

(b) The Commissioner of Education shall implement a teaching as a second career program on the basis of competitive grants to institutions of higher education in partnership with local education agencies.

(c) Local education agencies shall nominate individuals to participate in the programs. The programs shall carefully screen candidates that the

local education agencies have identified for employment in teaching shortage areas. Applicants must have expertise in and be willing to teach in areas of teacher shortage, as identified by the Commissioner of Education.

(d) The state board of education shall establish guidelines for the program that include a summer pre-service program, ongoing study and support during the first year of teaching and successful completion of passing scores on appropriate teacher examinations. If the individual receives a positive evaluation following the first year of teaching, the individual shall be issued an apprentice license.

SECTION 25. Tennessee Code Annotated, Section 49-5-5609, is amended by deleting the second sentence and substituting the following:

The Commissioner of Education shall provide for the sponsorship of the evaluation fees of one hundred (100) teachers per year.

SECTION 26. Tennessee Code Annotated Section 49-5-5609, is amended by deleting the third sentence and substituting the following:

Teachers who seek to undergo evaluation by the National Board for Professional Teaching Standards shall make application to the Commissioner of Education for sponsorship of the evaluation fee. The state board of education shall establish the criteria for nominating and selecting candidates who are eligible for the fee.

SECTION 27. Tennessee Code Annotated, Section 49-5-5609, is further amended by designating the present section to be subsection (a) and by adding the following new subsections:

(b) Each teacher who has attained national certification under the requirements of this statute shall be paid twenty-five hundred dollars (\$2,500) per year, provided that the teacher is employed as a full-time classroom teacher in a public



preschool, elementary, or secondary school within Tennessee and provided that the teacher has a valid Tennessee teaching license and a valid certification by the National Board for Professional Teaching Standards.

(c) In any year, implementation of the provisions of this section shall be contingent on and subject to the funding provided for such purpose within the general appropriations act.

SECTION 28. Recognizing the continuing advancements in brain science and its application to learning, nothing in this act shall be deemed to limit or preclude applications from schools or local education agencies which would enable them to:

- (1) Employ research-based cognitive and perceptual development programs which rely on a diagnostic-prescriptive model to improve a student's foundational learning abilities; or
- (2) Provide such cognitive/perceptual system development programs in early childhood programs.

SECTION 29. (a) The joint education oversight committee shall gather and identify through public hearing and testimony from the citizens of Tennessee the concerns, needs and adequacy of education in Tennessee, including but not limited to, the reading skills being taught within the public schools of Tennessee and the status and needs of early childhood education in Tennessee.

(b) The committee is urged to hold public hearings in each of the grand divisions of Tennessee and to invite all members of the education community and all persons interested in public education to give testimony and input.

(c) The committee shall receive staff support and assistance from the house research division, the office of legal services, the office of legislative budget analysis, the comptroller's office of education accountability, the state board of education, the Department of Education, the Tennessee Higher Education

Commission and any other state agency so requested by the chair.

(d) The committee shall complete its study and file its final report, including any recommendations for necessary legislative action, by January 1, 2004. Such report shall be filed with the Chief Clerk of each House, the Speaker of the House of Representatives, the Speaker of the Senate, the Chair of the education committee of the House of Representatives and the chair of the education committee of the Senate.

SECTION 30. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

SECTION 31. All provisions of this act are subject to appropriation of funds for that purpose. No provision of this act shall be considered an entitlement to any service or program authorized by this act unless funds are appropriated for such purpose.

SECTION 32. To the extent such funding is insufficient to fully implement the provisions of this act, the Commissioner of Education shall determine which provisions of the act shall be implemented.

SECTION 33. Only those provisions of this act deemed to be funded shall be codified.

SECTION 34. This act shall take effect upon becoming a law, the public welfare requiring it.